



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
JANUARY 19, 2005
APPROVED FEBRUARY 16, 2005**

MEMBERS PRESENT

Sam Alexander, Chairman
John Papacosma, Vice Chairman
Dorothy Carrier
Joanne Rogers

MEMBERS ABSENT

Henry Korsiak

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Sam Alexander, Chairman.

Minutes of December 15, 2004

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO ACCEPT THE MINUTES AS PRINTED.

UNANIMOUS APPROVAL

Sam Alexander, Chair, described the site visits on January 18, 2005, attended by Mr. Alexander, Joanne Rogers and Jay Chace.

OLD BUSINESS

No old business

NEW BUSINESS

ITEM 1

05-01-01 NOEL MUSSON (ORR'S-BAILEY YACHT CLUB – OWNERS) SITE PLAN REVIEW, CLUBHOUSE RENOVATION, COMMERCIAL FISHING 1 AND 2, TAX MAP 27-27, 26 OSBORN ROW, ORR'S ISLAND.

Noel Musson, applicant, requested that the Planning Board hear this application as a sketch plan review. Mr. Musson requested input from the Planning Board with regard to the definition of whether this was a non-conforming structure, whether it was a non-conforming use, and requested comments from the Planning Board with regard to Section 15 of the Town of Harpswell Site Plan Review ordinances. Mr. Musson described the current uses of the site and the proposed expansion of the structure.

The Planning Board discussed conformity with the Harpswell Site Plan Review ordinances, technical capacity, expansion of non-conforming use, kitchen facilities, club membership, input from the Historic Preservation Commission, height, clarification of information contained in the application packet, and pursuing a zoning change with the Board of Selectmen. The Planning Board agreed to hear this agenda item as a sketch plan review and also agreed that the Orr's Bailey Yacht Club was a functionally water dependant use.

John Goff, Building Committee Chair, stated he appreciated the opportunity to obtain feed back from the Planning Board. Mr. Goff added that the Yacht Club recently celebrated its 50th anniversary and it was the desire of the Yacht Club to continue operation for another 50 years by renovating the club house.

Connie Barker, Commodore, described the educational uses of the facility and the need for expansion.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO TABLE THE APPLICATION BY NOEL MUSSON (ORR'S BAILEY YACHT CLUB –OWNERS) FOR SITE PLAN REVIEW FOR A CLUBHOUSE RENOVATION TAX MAP 27-27 UNTIL FURTHER NOTICE.

UNANIMOUS APPROVAL

ITEM 2

05-01-02 AMBER PARKER (ROBERT WILLIAMS – OWNER) SITE PLAN REVIEW, CHANGE IN USE OF BUSINESS, INTERIOR, TAX MAP 9-21, 946 HARPSWELL NECK ROAD, HARPSWELL.

Amber Parker, applicant, explained she was before the Planning Board seeking a business permit that would change the current use.

The Planning Board discussed parking, traffic, signage, building area to be used by the applicant, and the lack of any other changes to the site.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE CHANGE OF USE OF BUSINESS BY AMBER PARKER (ROBERT WILLIAMS – OWNER) FOR TAX MAP 9-21 DOES NOT CREATE ANY ON OR OFF SITE IMPACTS OF WHAT CURRENTLY EXISTS ON THIS SITE.

UNANIMOUS APPROVAL

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICATION OF AMBER PARKER (ROBERT WILLIAMS – OWNER) FOR CHANGE OF USE OF BUSINESS FOR TAX MAP 9-21 BASED ON THE FACT THAT THERE WILL NO INTERIOR OR EXTERIOR CHANGES, NO INCREASE IN TRAFFIC, NO IMPACT ON MUNICIPAL SERVICES, AND NO IMPACT ON UTILITIES OR LIGHTING. THEREFORE, THERE IS NO NEED FOR THE PLANNING BOARD TO REVIEW SECTION 15.

UNANIMOUS APPROVAL

ITEM 3

JANET C. RASLAVSKY, SUBDIVISION AMENDMENT REVIEW, SHORELAND RESIDENTIAL, TAX MAP 12-120, 1196 HARPSWELL NECK ROAD, HARPSWELL.

Janet Raslavsky, applicant, explained that the proposal was to create a new lot which will be gifted to her daughter as a wedding present.

The Planning Board discussed the deed restrictions, whether this proposal would create a subdivision, and correspondence to the Code Enforcement Office.

Planning Board consideration of Subdivision Ordinance Section 9.

9.1 Conformance

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.1.

UNANIMOUS APPROVAL

9.2 Municipal Services

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.2.

UNANIMOUS APPROVAL

9.3 Preservation of Landscape

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.3 IN THAT THE IMPACT WILL BE MINIMAL WITH REGARD TO THE NATURAL LANDSCAPING.

UNANIMOUS APPROVAL

9.4 Lots

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.4 IN THAT THE LOT SIZE WILL BE 81,000 SQUARE FEET AND THE REMAINING LOTS WILL BE 4 AND 3 ACRES.

UNANIMOUS APPROVAL

9.5 Land not suitable for development

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.5 IN THAT THE LAND IS SUITABLE FOR DEVELOPMENT.

UNANIMOUS APPROVAL

9.6 Required improvements

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.6.

UNANIMOUS APPROVAL

9.7 Erosion and sedimentation control

DOROTHY CARRIER MOVED, SECONDED SAM ALEXANDER BY TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.7 SINCE THE APPLICANT HAS INDICATED THEIR INTENTION IS TO LIMIT IMPACT AS MUCH AS POSSIBLE.

UNANIMOUS APPROVAL

9.8 Utilities

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.8.

UNANIMOUS APPROVAL

9.9 Construction in Flood Hazard Areas

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.9 BECAUSE THIS SITE IS NOT IN THE FLOOD ZONE.

UNANIMOUS APPROVAL

9.10 Impact on Wetlands

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.10 BECAUSE THERE ARE NO WET LANDS ON THE SITE.

UNANIMOUS APPROVAL

9.11 Impact on Groundwater

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.11 BECAUSE THE APPLICANT IS LIMITING IMPACT ON THE LANDSCAPE.

UNANIMOUS APPROVAL

9.12 Stormwater Management

JOHN PAPACOSMA MOVED, SECONDED BY SAM ALEXANDER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.12 BECAUSE THE APPLICANT'S PROPOSED STORMWATER MANAGEMENT PLAN WILL NOT ADVERSELY IMPACT EXISTING STORMWATER MANAGEMENT MEASURES.

UNANIMOUS APPROVAL

9.13 Offshore Islands

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.13 DO NOT APPLY BECAUSE THIS SITE IS NOT AN OFFSHORE ISLAND.

UNANIMOUS APPROVAL

9.14 Aesthetic, Cultural, and Natural Values

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.14 BECAUSE THE APPLICANT HAS INDICATED THAT THEY WILL LIMIT IMPACT TO THE LANDSCAPING.

UNANIMOUS APPROVAL

9.15 Traffic

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.15 BECAUSE NO NEW ROADS ARE BEING PROPOSED AND THEREFORE THERE WILL NOT BE AN UNREASONABLE IMPACT ON TRAFFIC.

UNANIMOUS APPROVAL

9.16 Homeowners/Landowners Association

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 9.16 BECAUSE THERE WILL BE NO HOMEOWNERS ASSOCIATION.

UNANIMOUS APPROVAL

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 8.11.

UNANIMOUS APPROVAL

ITEM 4

BBI BUILDERS (TIMOTHY PYNCHON – OWNER) RECONSTRUCTION OF NON-CONFORMING STRUCTURE, COMMERCIAL FISHERIES 1, TAX MAP 10-68, 96 MERRIMAN COVE ROAD.

Matt Senecal, BBI Builders, applicant, stated that after review the new owner decided to remove the existing structure and reconstruct a house on the existing site. Mr. Senecal described several options to bring the proposed structure into conformance with Harpswell ordinances and explained that they were working with the Codes Enforcement Office on those issues.

Jay Chace directed the Planning Board's attention to letters from abutters who had expressed concerns over the proposed structure's size, footprint of the previous structure, setback, potential blasting, impact on the water and septic systems, height of the building, neighborhood character, traffic, parking, shoreline impact and a request to postpone the hearing on this proposal to allow the abutters time to respond.

The Planning Board discussed notification of the abutters, advertisement in the local papers, concerns stated in the letters from the abutters, sections 10.3.1.2, 10.3.2.2; 10.4.1; and 10.3.1.1, the size of the basement, height, volume increases, cubic footage, parking, erosion control methods, shoreland protection, completeness of the application, square footage, the septic system, setbacks, and slopes.

Emile Chonko stated that he lives across the cove from this site and is not a direct abutter. Mr. Chonko stated that he has no objection to this proposal.

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 10.3.2.2 TO THE GREATEST PRACTIBLE EXTENT EXCEPT THAT CONSIDERATION BE GIVEN TO MOVING THE STRUCTURE TO THE SOUTH A FOOT SO THAT THE SITE WOULD BE IN COMPLIANCE WITH THE SET BACK REQUIREMENTS IF THE CODES ENFORCEMENT OFFICE HAS NO RESTRICTIONS WITH REGARD TO THE SEPTIC SYSTEM.

UNANIMOUS APPROVAL

Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.1 BY PROVIDING PROOF OF AN INSPECTION OF THE EXISTING SEPTIC SYSTEM SHOWING THERE ARE NO ISSUES WITH THAT SYSTEM.

UNANIMOUS APPROVAL

John Papacosma reminded the Planning Board that this is a seasonal dwelling.

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.2 IN THAT THE APPLICANT HAS INDICATED THAT THEY WILL USE BEST MANAGEMENT PRACTICES TO PROTECT THE ENVIRONMENT WITH REGARD POLLUTION, EROSION AND SEDIMENTATION TO SURFACE WATERS.

UNANIMOUS APPROVAL

13.4.7.3 Will adequately provide for the disposal of all wastewater.

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.3

UNANIMOUS APPROVAL

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.4 BASED ON THE FACT THAT THE APPLICANT HAS INDICATED THAT THERE WILL BE NO ADVERSE IMPACT ON SPAWNING GROUNDS, FISH, AQUATIC LIFE, BIRD OR OTHER WILDLIFE HABITAT.

UNANIMOUS APPROVAL

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.5 BECAUSE THE APPLICANT WILL USE BEST MANAGEMENT PRACTICES TO PROTECT THE SHORELINE AND ACCESS POINTS.

UNANIMOUS APPROVAL

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.6 BASED ON THE FACT THAT THERE IS A LETTER IN THE FILE FROM THE MAINE HISTORIC PRESERVATION COMMISSION STATING THERE WILL BE NO EFFECT ON ARCHAEOLOGICAL OR HISTORIC RESOURCES ON THIS SITE.

UNANIMOUS APPROVAL

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENT OF BASIC LAND USE ORDINANCE SECTION 13.4.7.7 BECAUSE IT IS IN KEEPING WITH THE CHARACTER OF THE PRIOR USE OF THIS LOT.

UNANIMOUS APPROVAL

13.4.7.8 Will avoid problems associated with flood plains development and use.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF BASIC LAND USE ORDINANCE SECTION 13.4.7.8 BECAUSE IT IS NOT IN THE FLOOD PLAIN.

UNANIMOUS APPROVAL

13.4.7.9 Is in conformance with the provisions of Section 15, Land use Standards of the Shoreland Zoning Ordinance.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF SHORELAND ZONING ORDINANCE SECTION CONDITIONED UPON APPROVAL BY THE CODES OFFICE OF THE PROPOSED SQUARE FOOTAGE, SETBACK, CUBIC FOOTAGE MEASUREMENTS AS THEY PERTAIN TO THE 30% EXPANSION RULE, AND THAT THE BUILDING SHOULD BE MOVED TO ACCOMMODATE THE 25 FOOT SIDE YARD SETBACK IF IT IS POSSIBLE WITH THE EXISTING SEPTIC TANK AS THE CODES ENFORCEMENT OFFICE DECIDES.

UNANIMOUS APPROVAL

Joanne Rogers stated that she voted in favor of section 13.4.7.7 of this proposal because it is what the code allows, but that she believes this proposal is not in keeping with the character of the area.

OTHER BOARD BUSINESS:

Jay Chace, Town Planner, reminded the Planning Board of the Public Hearing for the Comprehensive Plan scheduled for February 22, 2005. Mr. Chace also passed out draft ordinance changes to the Planning Board for their review.

There being no other business before the Planning Board, **DOROTHY CARRIER MOVED, SECONDED SAM ALEXANDER BY TO ADJOURN.**

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant